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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,916	09/23/2003	Eric Groth	N0166US	2527

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EXAMINER	
TRAN, DALENA	
ART UNIT	**PAPER NUMBER**
3661	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/668916			

EXAMINER

ART UNIT	PAPER
	20060217

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary	Application No.	Applicant(s)	
	10/668,916	GROTH ET AL.	
	Examiner	Art Unit	
	Dalena Tran	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *19-22* is/are allowed.

6)☒ Claim(s) *1-18 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 12/12/05. As per request, claims 1-4, 6-11, 13-16, 18, and 23 have been amended. Thus, claims 1-23 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-18, and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapidot et al. (6490519) in view of Busch et al. (5696502), and Luciani (6505114).

As per claims 1, 14, and 23, Lapidot et al. disclose a method for developing traffic messages comprising: obtaining data indicating traffic speed at a first and second locations on a road, each of locations assigned a unique location reference code (see columns 3-4, lines 25-21). Lapidot et al. do not disclose grouping location reference codes along road having related traffic speeds into at least one congestion event along road. However, Busch et al. disclose comparing the data indicating traffic speed for locations (see the abstract; and column 2, lines 8-26). Busch et al. do not explicitly disclose grouping locations into at least one congestion event. However, Busch et al. disclose if a difference between compared traffic speed at first and second location is less than a threshold value (column 5, lines 46-67), a plurality of classes with defines ranges of values of a trend factor (column 3, lines 15-22; and columns 6-7, lines 8-31), a disruption is determined (column 3, lines 23-32), determine the traffic disruption caused by the forming of a

jam or an accident (column 2, lines 8-13), determine a critical traffic situation in the measuring of the first and second measuring points (column 2, lines 53-65), determine critical traffic situations, determined from two measuring points (column 3, lines 33-65), and also determining bunching probability (column 8, lines 30-45). It would have been obvious to one of ordinary skill in the art that from all above determination, Busch et al. implicitly disclose grouping locations into at least one congestion event.

In addition, to modify for the teach of Lapidot et al., Luciani ('114) discloses calculating a velocity of at least two position, and comparing with a reference velocity in order to monitor and predict traffic intensity on road (see '114, column 2, lines 29-43; column 3, lines 1-30). Luciani ('114) does not explicitly disclose grouping locations into at least one congestion event. However, Luciani discloses determine the level of intensity of traffic congestion (see columns 3-4, lines 32-34; and columns 6-7, lines 62-11). It would have been obvious to one of ordinary skill in the art that, the level of intensity implies a grouping of congestion event. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining grouping locations into at least one congestion event along road to differentiate different level of traffic congestion, therefore, the user can determine is that necessary to avoid a portion of congest, and make a decision to which route to take to travel or find an alternate route to bypass the congestion route.

As per claim 2, Busch et al. disclose first and second locations assigned location reference codes grouped into congestion event are contiguous along road (see the abstract).

As per claim 3, Lapidot et al. do not disclose first and second locations grouped into congestion event are located within a predetermined distance of one another. However, Busch

et al. disclose first and second locations grouped into congestion event are located within a predetermined distance of one another (see column 4, lines 53-67; and column 5, lines 12-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining locations grouped into congestion event are located within a predetermined distance of another of locations within congestion event enable to predict overall picture of traffic congestion along a road.

As per claims 4, and 15, Lapidot et al. disclose congestion event comprises a beginning location reference code at which related traffic speed begins along road and a number of following location reference codes having related traffic speeds (see columns 15-16, lines 43-54; columns 18-19, lines 41-36; and columns 25-26, lines 66-31).

As per claim 5, Lapidot et al. do not disclose congestion event comprises a direction. However, Luciani discloses congestion event comprises a direction (see columns 5-6, lines 34-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining congestion event comprises a direction to judge exactly location of the traffic jam along the road.

As per claims 6, and 16, Lapidot et al. discloses congestion event comprises a beginning location reference code and an end location reference code (see column 10, lines 1-52; 11-12, lines 65-25; and column 22, lines 12-25).

As per claims 7, and 17, Lapidot et al. discloses congestion event comprises a congestion speed value representative of the traffic speeds of the grouped first and second locations assigned location reference codes (see columns 16-17, lines 31-45; columns 24-25, lines 21-35; and columns 28-29, lines 46-23).

As per claim 8, Lapidot et al. discloses congestion event comprises an average speed of the grouped location reference codes (see columns 7-8, lines 65-61; and columns 14-15, lines 20-42).

As per claims 9, and 18, Lapidot et al. do not disclose a level of congestion. However, Busch et al. disclose congestion event comprises a congestion event code representing a level of congestion corresponding to traffic speed (see column 2, lines 8-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining congestion event comprises a congestion event code representing a level of congestion corresponding to related traffic speed for accurately grouping the congestion event of traffic information.

As per claim 12, Lapidot et al. discloses transmitting congestion event as a traffic message (see columns 14-15, lines 66-42).

As per claim 13, Lapidot et al. do not disclose a third location. However, Luciani discloses to estimate location and speed of vehicles (see column 3, line 12), given at least two, and preferably more locations (column 3, line 25). Therefore, it would have been obvious to one of ordinary skill in the art that it can be a third location. Luciani discloses calculating a velocity of at least two position, and comparing with a reference velocity in order to monitor and predict traffic intensity on road (see '114, column 2, lines 29-43; column 3, lines 1-30). Luciani does not explicitly disclose grouping locations into at least one congestion event. However, Luciani discloses determine the level of intensity of traffic congestion (see columns 3-4, lines 32-34; and columns 6-7, lines 62-11). It would have been obvious to one of ordinary skill in the art that, the level of intensity implies a grouping of congestion event. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining a third location to detect traffic events along a whole stretch of road, and it would have been obvious to combine grouping locations into at least one congestion event along road to differentiate different level of traffic congestion, therefore, the user can determine is that necessary to avoid a portion of congest, and make a decision to which route to take to travel or find an alternate route to bypass the congestion route.

As per claims 10-11, Lapidot et al. do not disclose obtaining data indicating an expected duration of traffic speed. However, Busch et al. disclose obtaining data indicating an expected duration of traffic speed at first and second locations, and traffic speeds are expected to change (see column 3, lines 1-65; column 4, lines 34-67; column 5, lines 12-33; and columns 6-7, lines 62-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al., by combining obtaining data indicating an expected duration of traffic speed for estimating the time delay of traffic events, therefore planning an alternative route.

4. Claims 19-22 are allowable.

Remarks

5. Applicant's amendment filed on 12/12/05 has been fully considered. Applicant's argue on pages 8-9 about Yoshida reference, this reference is not in this rejection anymore. Upon updated search, the new ground of rejection as above as the result of the new amended claims.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shorten statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner
Dalena Tran

February 17, 2006